

68. (Currently Amended) The catheter system of claim ~~65~~ 50, wherein the at least one location is spaced a distance from and is proximal to the stent.
69. (Previously Added) The catheter system of claim 50, further comprising a connector coupled to the catheter body, wherein the side member extends through the connector so as to be slidably positionable with respect to the catheter.
70. (Previously Added) The catheter system of claim 50, wherein an outer diameter of the catheter is different than an outer diameter of the side member.
71. (Previously Added) The catheter system of claim 1, wherein the side member has a circular cross-section.
-

REMARKS

This document Supplements the Preliminary Amendment filed October 20, 2003 and provides a Summary of the Substance of a Personal Interview conducted with Examiner Prebilio on November 18, 2003. By this Amendment, claims 49 and 68 have been amended. Applicants' representative thanks Examiner Prebilio for the personal interview. Submitted herewith are an Information Disclosure Statement and SB/08. The Examiner is requested to acknowledge receipt and consideration of these references by initialing, dating and returning to Applicants' representative the enclosed PTO SB/08.

During the interview claim 68 was discussed because the October 20, 2003 Preliminary Amendment indicates that claim 68 has been amended. Amended claim 68 is included herein. Beyond this, the merits of claim 68 were not discussed during the interview.

During the interview the rejection of claim 49 under 35 U.S.C. § 112, second paragraph, was discussed. Claim 49 has been amended in accordance with the examiner's suggestion. Withdrawal of the rejection is respectfully requested.

During the interview the rejection of independent claim 1 under 35 U.S.C. § 102(e) as being anticipated by Fischell et al. (U.S. patent 5,749,825) was discussed. Applicants'

representative pointed out the language of claim 1 calling for the side member being fixedly attached to at least one location on the catheter, *yet* a distal portion of the side member is disposed *beneath* a portion of the stent and the distal portion of the side member that is disposed *beneath* is capable of being movable with respect to the catheter. The examiner indicated he had not appreciated this claim language and that he would consider it further. For the reasons discussed in the October 20, 2003 Preliminary Amendment, withdrawal of the rejection is respectfully requested. Accordingly, it is respectfully submitted that claim 1 is in condition for allowance along with its dependent claims 7, 10, 13, 16-19, 42, 44-48 and 71.

During the interview the rejection of independent claim 50 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,749,825 to Fischell et al. (Fischell '825), in view of U.S. Patent No. 5,669,932, Fischell et al. (Fischell '932) was discussed. As explained during the interview and/or in the October 20, 2003 Preliminary amendment, claim 50 calls for a catheter with a first radiopaque marker, a side member with a second radiopaque marker, and the markers are juxtaposed in a first configuration and separated in a second configuration. Separation indicates to the user, for example, that the distal end of the side member is in the branch vessel and the catheter is in the main vessel. Thus the position of the distal end of the side member can be indicated by the alignment or separation of the radiopaque markers as claimed. See applicants' specification at p. 4, l. 21 – p. 5, l. 2; p. 14, l. 28 – p. 15, l. 10; Figs. 15-16.

In contrast, Fischell '825 discloses a radiopaque marker band 30 mounted in the inner shaft to help obtain longitudinal positioning of the stent delivery catheter system. But Fischell '825 fails to disclose or suggest a marker on the side branch tube. The Examiner relies on Fischell '932 to disclose two radiopaque marker bands located within the balloon of the catheter. But, in Fischell '932, the two markers are located in the same balloon and the markers are allegedly there to indicate the proximal and distal extremities of the stent when the balloon is expanded. (See Fischell '932, Col. 1, lines 50 through 60). There is no motivation to combine the Fischell patents. But, even if combined, the combination teaches nothing more than more markers in the same balloon. There is no disclosure or suggestion in either of the Fischell

references to place markers anywhere other than inside the balloon, let alone on the side sheath and furthermore such that the markers are juxtaposed in a first configuration and separated in a second configuration as required by claim 50. Moreover, the Fischell references relied upon by the Examiner are devoid of any disclosure or teaching of the claimed markers juxtaposed in a first configuration and separated in a second configuration. Withdrawal of the rejection of claim 50 is respectfully requested. Accordingly, it is respectfully submitted that claim 50 is in condition for allowance along with its dependent claims 2-6, 49, 51, 53, 56, 59-68 and 70.

Allowance of the pending claims is respectfully requested. If the Examiner has any questions he is invited to contact applicants' undersigned representative at the number listed below.

Respectfully submitted,

Nov. 25, 2003
Date

Michele Van Patten Frank
Michele Van Patten Frank
Registration No. 37,028

Customer No. 32042
Telephone: (703) 744 7907
Facsimile: (703) 744 8001

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2228. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2228.
--